

Subject:	Proposed Submission East Sussex, South Downs, and Brighton & Hove Waste and Minerals Plan		
Date of Meeting:	19th January 2012 Cabinet 26th January 2012 Council		
Report of:	Strategic Director, Place		
Lead Cabinet Member:	Councillor Kennedy		
Contact Officer:	Name:	Mike Holford	Tel: 29-2501
	Email:	Mike.Holford2501@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No: 25774	
Ward(s) affected:	All		

FOR GENERAL RELEASE/ EXEMPTIONS**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report is to inform Cabinet/Council on the progress of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan. The report also seeks approval to produce a Proposed Submission Waste and Minerals Plan prior to statutory public consultation and subsequent submission to the Secretary of State
- 1.2 The Waste and Minerals Plan (WMP) will eventually replace much of the Council's adopted Waste Local Plan and Minerals Local Plan. The WMP will provide planning policy for the management of all wastes and the production of all minerals in East Sussex and Brighton & Hove, including that part of the South Downs National Park within East Sussex and Brighton & Hove.

2. RECOMMENDATIONS:

- 2.1 That Cabinet is asked to recommend to Council that:-
- The analysis of the response to the consultation on the draft Waste and Minerals Plan be noted;
 - The Proposed Submission Waste and Minerals Plan (PSWMP) is agreed and published for statutory public consultation for a six week period commencing on 21 February 2012.
 - The document be subsequently submitted to the Secretary of State subject to no material changes, other than alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections, being necessary.

- The Strategic Director, Place be authorised to agree any alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections to the text of the PSWMP with East Sussex County Council and the South Downs National Park Authority prior to consultation.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Following consideration by Cabinet at its meeting on 13 October 2011, a draft Waste and Minerals Plan (WMP) was published for public comment. The main approaches of the draft WMP comprised:
- Reducing the amount of waste produced;
 - making provision for increased treatment (e.g. recycling or recovery) of waste including planning for additional capacity for recycling/recovery facilities equivalent to the likely exports of waste for landfill;
 - identifying an area of focus for later searches for suitable locations for waste treatment facilities;
 - saving allocations for recycling/recovery facilities until the subsequent Sites document has been adopted;
 - recognising that the declining amounts of waste still requiring land disposal should utilise existing planning permissions outside the Plan area and therefore the Plan would not include any Areas of Search for landraise or landfill reflecting the Plan's policy steer to minimise the amount of waste sent to landfill or landraise
 - safeguarding existing landfill capacity;
 - resisting the disposal of residual waste from London in the Plan Area;
 - meeting the apportionment for aggregates advised by Government.
- 3.2. 87 responses (containing around 170 comments) to the draft WMP were received, which is in marked contrast to the nearly 3,000 received to an earlier draft 'Preferred Strategy' document (most of these were concerned with future land disposal in the Plan area). The responses generally support the broad thrust of the approaches set out in the draft WMP, with some respondents requesting a strengthening of policy protection in certain areas. Some concerns were raised about the Plan's approach of relying on other areas for the management of waste by land disposal (see below). A summary of the consultation process and the comments received is set out in Appendix One. All submissions will be made -available on the County Council's website.
- 3.3 Officer comments from Kent County Council included requesting greater certainty regarding the destination of non-inert and hazardous wastes requiring landfill. Surrey County Council raised a concern that landfill capacity in their area would not last as long as they had forecast if waste was imported and were not convinced that landfill capacity could not be developed. West Sussex County Council noted that there was declining land disposal capacity in their area and it was likely that sites further afield would have to be utilised. However, waste that might be exported to landfill would almost certainly be commercial and industrial, which is not directly managed local authorities but, instead, responds to market conditions. It is not, therefore, proposed to make any significant changes to the Plan's approach to land disposal although further evidence to support the position has been gathered.

- 3.4 Several respondents raised concern with the saving of Waste Local Plan (WLP) policy allocating land at Bexhill and Newhaven as suitable for waste management activity. No changes to the Plan are proposed in light of these comments as the matter of deciding on specific sites for future waste development will be properly and thoroughly dealt with as part of the development of the Sites document. This will involve a call for sites and thorough assessment of all possible opportunities taking into account constraints and consultation responses at that time.
- 3.5 In light of the comments received on the draft WMP no major changes in approach are proposed although the proposed text of the PSWMP has been strengthened (See Appendix 2 draft shortened version less supporting text - Full version is available on the Council's website). Based on evidence, assessments and consultation responses it is considered that the PSWMP represents a 'sound' document. It is therefore, proposed that a six week consultation period takes place between 21 February 2012 and 3 April 2012.
- 3.6 Subject to there being no further material changes to the Plan in light of comments, the Plan will be submitted to the Secretary of State who will appoint an Inspector for independent examination of the Plan.. The Inspector will be required to test the Plan for compliance with certain statutory provisions, including whether the Plan is "sound". More information on the tests of soundness is included in Appendix Three. Appendix Four sets out a shortened version of the PSWMP.
- 3.7 In testing the Plan the Planning Inspector will consider the way in which the Plan has been prepared, its content and evidence submitted by the Councils together with representations received as a result of consultation. The Planning Inspector will also hold a public examination and it is anticipated that this will take place in the Autumn 2012. Adoption is then programmed for Early 2013, following which, formal work will commence on identifying specific sites for waste and minerals development required by the WMP.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Public consultation took place on the draft Waste and Minerals Plan from 27 October 2011 to 8 December 2011. Consultation on the proposed submission Waste and Minerals Plan will take place between 21 February 2012 and 3 April 2012 if the report recommendations are agreed.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The costs of the consultation on the draft Waste and Minerals Plan and of publishing the Proposed Submission Waste and Minerals Plan are being shared proportionally with East Sussex County Council and the South Downs National Park Authority. The council's share of the costs will be met from within the existing Waste Planning revenue budget.

Finance Officer Consulted: Name Karen Brookshaw Date: 22/12/11

Legal Implications:

- 5.2 Once adopted, the Waste and Minerals Plan will be a Development Plan Document ("DPD") within the meaning of the Planning and Compulsory Purchase Act 2004. The detail as to the preparation of this type of document is found in the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). Regulation 27 of the 2004 Regulations provides that, prior to submission to the Secretary of State for independent examination, a DPD must be publicised for a period of at least 6 weeks and representations invited. Any representations received by the local planning authority within the timescale set out must be forwarded to the Secretary of State. The consultation proposed by this report will need to comply with the publicity requirements set out in Regulation 27.

It is not considered that any adverse human rights implications arise from this report.

Lawyer Consulted: *Name Hilary Woodward* *Date: 16/12/2011*

Equalities Implications:

- 5.3 None directly arising from this report.

Sustainability Implications:

- 5.4 The planning system has a clear purpose to contribute towards the achievement of sustainable development. All planning policy documents will be appraised for their economic, social and environmental impacts. The WMP has been subject to a full Sustainability Appraisal.

Crime & Disorder Implications:

- 5.5 None specifically arising from this report

Risk and Opportunity Management Implications:

- 5.6 Risks to the project are regularly reviewed at project meetings. A risk is if the plan were to be found unsound by the Planning Inspector. As outlined in the report this is not considered to be a high risk.

Public Health Implications:

- 5.7 None arising directly from this report.

Corporate / Citywide Implications:

- 5.8 It is important that the planning policies are in place to provide a strategy for dealing with waste management and minerals production across Brighton & Hove and East Sussex.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 This is the only practicable option if the Waste and Minerals Plan is to progress towards adoption.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Approval of Council is required to submit the Waste and Minerals Plan for public examination.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary and analysis of the consultation process and comments received on the draft Waste and Minerals Plan
2. A Proposed Submission Draft Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove (shortened version)
3. Test of Soundness
4. List of Evidence Base Documents

Documents in Members' Rooms

1. None

Background Documents

1. See Appendix 4